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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/693,232	10/19/2000	Oscar E. Agazzi	36979/FLC/B600	8577

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EXAMINER

TSEGAYE, SABA

ART UNIT	PAPER NUMBER
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2662

DATE MAILED: 07/19/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/693,232

Applicant(s)

AGAZZI ET AL.

Examiner

Saba Tsegaye

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2004.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 1-4, 13-16 and 25-28 is/are allowed.
6) ☒ Claim(s) 5-12, 17-24 and 29-35 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date g.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

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DETAILED ACTION

1. The disclosure is objected to because of the following informalities: On page 18 line 30, a transceiver 101 is described. However, Fig. 10 shows transceiver blocks 102 and 104.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. Claims 5, 6, 9, 10, 17, 18, 21, 22, 29, 30, 33 and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by McCown et al. (US 5,099,436).

Regarding claims 5, 9, 17, 21, 29 and 33, McCown discloses a data processing system adapted to diagnose an adaptive system operably coupled to external systems wherein the adaptive system is controlled by a state machine comprising:

a processor (column 7, lines 25-30); and

a memory operable coupled to the processor and having program instructions stored therein, the processor being operable to execute the program instructions, the program instructions including (column 6, lines 53-60; column 7, lines 23-38):

reading a plurality of expected state machine sequences (column 13, lines 62-68);

recording a state machine sequence from the state machine (column 7, lines 39-54);

selecting from the plurality of expected state machine sequences a selected expected state machine sequence that matches the state machine sequence (column 7, line 39-column 8, line 10; column 13, lines 62-68); and

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determining the status of the adaptive system based on the selected expected state machine sequence(column 13, lines 62-68).

Regarding claims 6, 10, 18, 22, 30 and 34, McCown discloses the method wherein the plurality of expected state machine sequences are normalized based on a sample frequency of the state machine sequence (column 7, lines 5-22).

Claim Rejections - 35 USC § 103

3. Claims 7, 8, 11, 12, 19, 20, 23, 24, 31, 32 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCown.

McCown discloses all the claim limitations as stated above, except for an approximate string-matching algorithm.

Regarding claims 7, 12, 19, 23, 31 and 35, McCown discloses that CLIPS, an artificial intelligence language, is used to implement a matching algorithm based on the Rete Network. Other languages, which can be used, include OPS5 and SOAR.

An approximate string-matching algorithm is one of known sting matching techniques. The approximate string matching is the longest common subsequence string matching.

Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to use an approximate string-matching algorithm in the system of McCown in order to compare long strings using edit distance computation techniques.

Regarding claims 8, 20 and 32, McCown discloses the method wherein determining the status of the adaptive system further includes:

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obtaining adaptive data from the adaptive system (column 6, lines 51-61); and
determining the status of the external systems using the adaptive data (column 6,
lines 51-column 7, line 4).

Regarding claims 11 and 24, McCown discloses the method wherein the state
machine sequence is recorded by the state machine (column 6, lines 52-60).

Allowable Subject Matter

4. Claims 1-4, 13-16 and 25-28 are allowed.

Response to Arguments

5. Applicant's arguments with respect to claims 1-35 have been considered but are
moot in view of the new ground(s) of rejection.

Conclusion

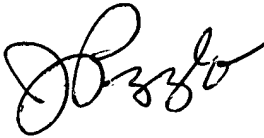
Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Saba Tsegaye whose telephone number is (703) 308-
4754. The examiner can normally be reached on Monday-Friday (7:30-5:00), First
Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Hassan Kizou can be reached on (703) 305-4744. The fax phone number for
the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ST
July 8, 2004



JOHN PEZZLO
PRIMARY EXAMINER